

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MERCK & CIE, ET AL.

Plaintiffs

vs.

**MACOVEN PHARMACEUTICALS,
ET AL.**

Defendants

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**CASE NO. 6:12cv27
PATENT CASE**

SCHEDULING ORDER

The Court orders the parties to appear for a scheduling/status conference on September 7, 2012 at 9:30 a.m. unless the parties submit an up-to-date referral or consent Docket Control Order (using the template dated 8.07.12) and Discovery Order (using the template dated 6.21.12) taken from the undersigned's website at least two days prior to the above date. The parties shall also submit an agreed order related to the discovery and production of electronically stored information (ESI)¹ and a Protective Order.² The parties may submit disputes concerning the Discovery Order, Docket Control Order, and any issues related to ESI and/or Protective Order without appearing at the conference as long as up-to-date forms are taken from the undersigned's website and the submission is made pursuant to the deadline outlined above. Further, the parties should make the parameters of the dispute clear. The Court may set a telephone conference to assist in resolving the dispute.

¹ Parties may refer to Appendix P of the Local Rules (Model Order Regarding E-Discovery in Patent Cases) as a starting point.

² The parties may refer to the Court's website for a sample protective order for patent cases.

Should the parties prefer to attend a scheduling/status conference, the parties are to confer and submit as a reference point for the discussion any disputes concerning the Discovery Order, Docket Control Order, ESI, and the Protective Order at least two days prior to the conference. In their submission(s) to the Court, the parties shall also indicate the preference to hold such a conference.

Pursuant to the status conference held on August 6, 2012, the following dates shall be incorporated into the Docket Control Order:

Markman	September 26, 2013 ³ at 9:00 a.m. before Judge John Love;
Pre-Trial Conference	November 20, 2014 at 9:00 a.m. before Judge John Love;
Jury Selection	December 1, 2014 at 9:00 a.m. before Judge Leonard Davis; and
Jury Trial	December 8, 2014 at 9:00 a.m. before Judge Leonard Davis.

In addition, on the date the Docket Control Order, Discovery Order, ESI Order and Protective Order are due, the parties shall submit the name of an agreed mediator, or in the alternative, competing proposals for mediators or a reason why this case would not benefit from mediation.

So ORDERED and SIGNED this 9th day of August, 2012.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE

³The parties are to implement the *Markman* date in this Order, rather than the date provided at the status conference.